

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK



AARON HICKS,
Petitioner

v.

UNITED STATES OF AMERICA,
Respondent

Case No. 1:15-cr-00033-RJA-HBS

MOTION TO ALLOW DISCOVERY OF JURY SELECTION TRANSCRIPTS

Now comes the Petitioner, Aaron Hicks, pro se, and hereby moves this Honorable Court for an Order allowing limited discovery in this matter.

On July 3, 2023, the Government sought an extension of time in order to obtain transcripts related to jury selection in Petitioner's trials. (See ECF No. 1012). The Government sought to use the transcripts in order to respond to the Petitioner's Section 2255 Petition. (See ECF No. 1012 at page 2). This Court granted the Government's motion and ordered that the Petitioner respond to the Government's Answer to the Petition within 20 days of the Government's Answer.

The Petitioner is seeking limited discovery to allow the Government to provide the Petitioner with a copy of the jury selection transcripts. "Discovery is not granted as of right in Section 2255 cases", Pena v. U.S., 355 F.Supp.3d 174, 184 (SDNY 2019). Instead, under Rule 6 of the Rules governing Section 2255 proceedings, the Court can grant discovery upon a showing of "good cause", Drake v. Portuondo, 321 F.3d 338, 346 (2nd Cir. 2003).

Here, the Government intends to use the transcripts to respond to the Petitioner's Section 2255 Petition, and therefore the Petitioner will also need to review those transcripts in order to properly reply to the arguments and facts raised by the

Government's in its Answer to the Petition. Therefore, the transcripts are crucial and necessary for the Petitioner to properly reply to the Government's arguments. Attached as Exhibit 1 is the Petitioner's proposed discovery request, which is limited solely to requesting a copy of the transcripts from the Government, for the Court's review.

CONCLUSION

For the reasons stated herein, the Petitioner respectfully requests that the Court grant this motion and allow discovery of the jury selection transcripts.

Respectfully Submitted,



Aaron Hicks #23995-055

FCI McKean

PO Box 8000

Bradford, PA 16701

CERTIFICATE OF SERVICE

I, Aaron Hicks, hereby certify that I mailed a copy of this document to the U.S. Attorney's Office on July 24, 2023 using the FCI-McKean prison mail system.



Aaron Hicks

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

AARON HICKS,
Petitioner

V.

Case No. 1:15-cr-00033-RJA-HBS

UNITED STATES OF AMERICA,
Respondent

REQUEST FOR THE PRODUCTION OF DOCUMENTS

Aaron Hicks, Petitioner, makes the following requests pursuant to Rule 34 of the Federal Rules of Civil Procedure. Under Rule 34(b)(2), you are required to serve a written response to this request, within 30 days of the date this request was served on you.

DOCUMENT REQUESTS

1. A copy of all jury selection transcripts in the possession of the United States that pertain specifically to the Petitioner's federal trials.

Submitted by:

Cambridge

Aaron Hicks #23995-055

FCI McKean

PO Box 8000

Bradford, PA 16701

FCI McKean

Aaron Hicks #33995-055

PO Box 8000

Bradford, PA 16701

Case 1:15-cr-00033-RJA-HBS Document 1015 Filed 07/27/23 Page 4 of 4

ROCHESTER NY 144

25 JUL 2023 PM 1 L



IS - CR - 33

Clerk of Court

United States District Court

Robert H. Jackson Courthouse

2 Niagara Square

Room 200

Buffalo, NY 14202



14202-335050

